

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #08	CCRB Case #: 202006159	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 08/23/2020 2:00 AM	Location of Incident: § 87(2)(b) Marlboro Houses 17	18 Mo. SOL 5/4/2022	Precinct: 60		
Date/Time CV Reported Sat, 09/12/2020 8:17 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 09/12/2020 8:17 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. LT Timothy Brovakos	00000	943025	060 PCT
3. POM Louis Brevetti	06171	966480	060 PCT
4. POM David Yee	01004	953589	GVSD Z1
5. DT3 Hasan Elci	03847	917574	DBBS OP

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Oliver Vidal	26155	958150	PSA 1
2. POM Cristobal Perez	14654	957022	060 PCT
3. POM Anthony Massoni	06005	961926	060 PCT
4. SGT Geovani Sanchez	04147	946215	060 PCT
5. POM Khurram Zubair	24264	962891	060 PCT
6. POM Joseph Borrero	28310	964401	060 PCT
7. POM Christophe Desciora	02106	961725	060 PCT
8. POM Gregory Markov	01223	935252	060 PCT
9. POF Arselly Santana	08121	968779	060 PCT
10. POM Xuelin Zhuang	02066	964852	060 PCT
11. POM Michael Balioni	20517	942976	060 PCT
12. POM Marcarthur Jean	30935	965219	PSA 1
13. POM Nicholas Brush	18269	951562	060 PCT
14. POM Igor Bondarenko	10826	934511	PSA 1
15. POM Conner Anzalone	15317	961622	060 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
16. POM Nicholas Dirico	20783	965052	070 PCT
17. SGT Yevgeny Vaks	05179	947564	070 PCT
18. SGT Herman Lai	00581	949191	I.A.B.
19. POM Lee Pettyjohn	08969	961102	060 PCT
20. POM Ronald Louie	06210	960834	060 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against § 87(2)(b)	
B. An officer	Force: An officer used physical force against § 87(2)(b)	
C. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
D. An officer	Force: An officer struck § 87(2)(b) with a baton.	
E.POM David Yee	Force: Police Officer David Yee used physical force against § 87(2)(b)	
F.POM David Yee	Discourtesy: Police Officer David Yee spoke discourteously to an individual.	
G.POM David Yee	Force: Police Officer David Yee used physical force against an individual.	
H.POM Louis Brevetti	Discourtesy: Police Officer Louis Brevetti spoke discourteously to an individual.	
I.LT Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos threatened § 87(2)(b) with the use of force.	
J.LT Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos threatened § 87(2)(b) with the use of force.	
K.LT Timothy Brovakos	Force: Lieutenant Timothy Brovakos used physical force against an individual.	
L. An officer	Force: An officer used physical force against § 87(2)(b)	
M.DT3 Hasan Elci	Force: Detective Hasan Elci hit § 87(2)(b) against a vehicle.	
N.DT3 Hasan Elci	Discourtesy: Detective Hasan Elci spoke discourteously to § 87(2)(b)	
O.DT3 Hasan Elci	Untruthful Stmt.: Detective Hasan Elci provided a false official statement to the CCRB.	
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	

Case Summary

On September 12, 2020, § 87(2)(b) filed this complaint online via the CCRB's website.

On August 23, 2020, at approximately 2:00 a.m., officers from PSA 1, 60th Precinct, and Detective Bureau Brooklyn South Nightwatch responded to a shotspotter activation at § 87(2)(b) in Brooklyn. At the location, an unidentified officer allegedly pushed § 87(2)(b) and her friend, § 87(2)(b) (**Allegation A and B: Force, § 87(2)(g)**). This officer allegedly told § 87(2)(b) to get back and "shut the fuck up" (**Allegation C: Discourtesy, § 87(2)(g)**). The officer then allegedly grabbed the two ends of his baton, placed it against § 87(2)(b) neck, and pushed her back multiple times (**Allegation D: Force, § 87(2)(g)**). PO Yee of PSA 1 allegedly kicked § 87(2)(b) (**Allegation E: Force, § 87(2)(g)**). PO Yee then told an individual, "Fuck out of here. What the fuck you going to do? What the fuck you going to do? Get the fuck back" (**Allegation F: Discourtesy, § 87(2)(g)**). PO Yee then pushed an unidentified civilian (**Allegation G: Force, § 87(2)(g)**). PO Louis Brevetti of the 60th Precinct tells an unidentified civilian, "If you're standing over there, I bet you no one fucking touches you" (**Allegation H: Discourtesy, § 87(2)(g)**).

As the officers instruct the civilians to back up, Lt. Timothy Brovakos of the 60th Precinct threatened to taser § 87(2)(b) and § 87(2)(b) (**Allegation I: Abuse of Authority, § 87(2)(g)**). **Allegation J: Abuse of Authority, § 87(2)(g)** As officers were restraining § 87(2)(b), Lt. Brovakos pushed an unidentified individual (**Allegation K: Force, § 87(2)(g)**). An officer allegedly picked § 87(2)(b) up and slammed him on the ground as officers arrested him (**Allegation L: Force, § 87(2)(g)**).

Det. Elci pushed § 87(2)(b) against the hood of a vehicle and then handcuffed him (**Allegation M: Force, § 87(2)(g)**). Det. Elci spoke discourteously to § 87(2)(b) (**Allegation M: Discourtesy, § 87(2)(g)**).

Det. Elci provided a false official statement to the CCRB (**Allegation O: Untruthful Statement, § 87(2)(g)**). § 87(2)(g), § 87(4-b)

The investigation is in possession of BWC footage capturing this incident.

Findings and Recommendations

Allegation (A) Force: An officer used physical force against § 87(2)(b)

Allegation (B) Force: An officer used physical force against § 87(2)(b)

Allegation (C) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (D) Force: An officer struck § 87(2)(b) with a baton.

Allegation (L) Force: An officer used physical force against § 87(2)(b)

In her CCRB statement, § 87(2)(b) stated that she was with approximately more than 20 people in front of § 87(2)(b) in Brooklyn after coming from a party in Long Island (Board Review 01). Some of the individuals were drunk and argued with each other. § 87(2)(b) was not intoxicated at the time. As everyone was in front of the building, an unidentified individual fired three gunshots in the air in succession. § 87(2)(b) subsequently entered the lobby of the building with four or five other individuals. Within a few minutes, officers arrived. § 87(2)(b) exited the building and proceeded down the ramp to go home. As § 87(2)(b) was walking down the ramp, an officer screamed at everyone telling them, "Get back! Get back!" § 87(2)(b) stood next to § 87(2)(b) as the officer pushed them back against their chest area multiple times. § 87(2)(b) told the officer that she was trying to go home and told the officer not to touch her. The officer then pointed

his finger by § 87(2)(b) face and in response, § 87(2)(b) pushed the officer's finger away. The officer continued to push § 87(2)(b) and yell at her. § 87(2)(b) yelled, "Don't fucking touch me." The officer then told § 87(2)(b) to get back and "shut the fuck up." The officer subsequently grabbed the two ends of his baton and pushed his baton against § 87(2)(b) neck multiple times towards the front of the building. Officers subsequently began handcuffing § 87(2)(b). An unidentified officer picked § 87(2)(b) up and slammed him on the ground as other officers arrested him.

In a phone statement to the CCRB, § 87(2)(b) stated that the officer pushed her with a baton, but she did not identify the subject officer or provide additional details regarding the incident (Board Review 02). § 87(2)(b) was uncooperative with providing a sworn statement.

§ 87(2)(b), [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Despite multiple contact attempts, the investigation was unable to reach § 87(2)(b) for a statement.

None of the officers' BWC captured the incident between the subject officer and § 87(2)(b) or § 87(2)(b). Moreover, none of the officers' BWC captured the entirety of § 87(2)(b) arrest or an officer slamming § 87(2)(b) on the ground.

§ 87(2)(g)

Allegation (E) Force: Police Officer David Yee used physical force against § 87(2)(b)

In her CCRB statement, § 87(2)(b) stated that as an officer pushed § 87(2)(b) back, PO Yee kicked the right side of § 87(2)(b) right knee causing her to fall and hit her head on the ground (Board Review 01). § 87(2)(b) and PO Yee did not say anything to each other prior to PO Yee kicking her.

§ 87(2)(b) did not provide any details of PO Yee pushing § 87(2)(b) in her CCRB statement (Board Review 02).

In his CCRB statement, PO Yee stated that he and PO Vidal responded to a shot spotter at § 87(2)(b) (Board Review 03). PO Yee stated that they were the first to arrive on the scene. There was a hostile and drunken group present. Some people said something to the effect of, "Fucking cops, what are you doing here?" PO Yee and PO Vidal walked up to multiple people and asked if they heard gunshots or if anyone was shot. The people were dismissive and said something to the effect of, "What the fuck you think?" PO Yee and PO Vidal entered the lobby of the building and asked people if they heard any gunshots. The individuals inside the lobby did not say anything and were dismissive. Upon exiting the building, approximately eight to ten officers arrived. People from the group told the officers to leave, "Get the fuck out of here," and asked, "What are you doing here?" PO Yee and the officers told everyone to go home and that they could not block the stairs. At some point, the group was disorderly and combative, and a physical fight broke out within the group. At some point, the officers and PO Yee guided the group back. PO Yee used two hands and guided approximately three to five people (a mix of male and female) back by their shoulders and chest to create distance. PO Yee also told them to get back approximately 10 times. The civilians were not compliant even after PO Yee guided them back. The civilians repeatedly came towards PO Yee and tensed up. PO Yee repeated these actions until they stopped coming towards the officers. PO Yee did not make physical contact with anyone else. PO Yee denied kicking a

female and stated that he did not recall a female on the ground (Board Review 03).

None of the officers' BWC showed PO Yee kicking a female (Board Review 14).

§ 87(2)(g)

Allegation (F) Discourtesy: Police Officer David Yee spoke discourteously to an individual.

Although this was not alleged by § 87(2)(b) or § 87(2)(b) starting at 00:23 (no audio is captured at this point) of PO Yee's BWC it appears that a civilian bumps into an officer and then PO Yee's camera becomes out of focus (Board Review 04). At 00:30, PO Yee tells someone to back up twice. PO Yee then tells the civilian, "Fuck out of here. What the fuck you going to do? What the fuck you going to do? Get the fuck back." At 00:37, it appears that a female holds another individual (identified via the investigation as § 87(2)(b) back. PO Yee continues to tell people to get back and then at 00:45, PO Yee tells a civilian, "Yo, get the fuck back." It is unclear what is happening due to the poor lighting and the BWC is constantly moving.

In his CCRB statement, PO Yee stated that he responded to a radio run regarding "possible shots fired" and upon arriving at the location there was a large hostile crowd (Board Review 03). The group told the officers to leave and refused to answer the officers' questions about whether shots were fired. During his CCRB interview, PO Yee was shown a clip of his BWC footage. PO Yee did not recall saying the above profanities, but he stated that there was "high emotion" at the time and he and PO Vidal were alone when they were trying to disperse the crowd. PO Yee stated that the crowd advanced towards PO Vidal as he was engaged in an argument with another individual and PO Yee was moving people back. PO Yee stated that it was a tense situation and his "adrenaline was running."

Although PO Yee identified the individual as § 87(2)(b) the investigation determined that it was not § 87(2)(b). The investigation was unable to identify the victim.

The mission and values of the NYPD states that officers are to "maintain a higher standard of integrity that is generally expected of others" and "value human life, respect the dignity of each individual, and render our services with courtesy and civility," NYPD Patrol Guide Procedure 200-02 (Board Review 15).

Officers' use of profanities during stressful street encounters do not constitute misconduct, but may not do so when it serves "no legitimate purpose but to belittle" a civilian, DAO DCT Case Number 2015-15012 (Board Review 16).

Although PO Yee stated that he and PO Vidal were alone when he said the profanities, based on PO Yee's BWC it appears that there was at least one other officer at the location. However, it is undisputed that the civilians outnumbered the officers while PO Yee was telling them to back up.

§ 87(2)(g) PO Yee and the officers were at the location to address a possible shots fired job and the crowd did not comply to lawful commands § 87(2)(g)

Allegation (G) Force: Police Officer David Yee used physical force against an individual.

Although § 87(2)(b) and § 87(2)(b) did not allege this in their CCRB statement, at 00:45 of PO Yee's BWC, a female says, "Don't touch me" (Board Review 04). It is unclear what is happening

due to the poor lighting and the angle of the camera. However, at 1:06 of Lt. Brovakos' BWC it appears that PO Yee extends his arm out and makes contact with a female's back who is directly in front of him (Board Review 05).

At 00:58 of PO Yee's BWC, it appears that the female then extends her arm towards PO Yee while she says, "He's touching me." She then shakes her hand in front of PO Yee while saying, "You'll be the last one (inaudible)..." (Board Review 04). At 1:18, of Lt. Brovakos' BWC, the female is standing approximately a foot away from PO Yee and has her left arm up as she is waving it back and forth with her hand inches away from his face (Board Review 05). PO Yee then pushes her left hand while it was in his face at 1:19.

PO Zubair's BWC captures a better angle of what occurred after PO Yee pushed the female's hand. At 1:37 of PO Zubair's BWC, PO Yee pushes the female from the back (Board Review 06). § 87(2)(b) then pushes the female further back away from PO Yee. At 1:42, the female walks back towards PO Yee and stands between § 87(2)(b) and PO Yee. At 1:50, The female continues to say, "Don't touch me" and says "Bitch," as she is pointing at PO Yee a few feet away. Another female civilian pushes this female further back and away at 1:53. At 1:58, the female comes back towards PO Yee. At 2:05, the female flicks her braids towards PO Yee, who is out of the camera's frame on the left, and PO Yee pushes the female with two hands against her back. At 2:08, the female walks back to PO Yee and flicks her braids at PO Yee again. PO Yee subsequently pushes her back. § 87(2)(b) then stands in between PO Yee and the female. Several civilians then pull § 87(2)(b) away from the officers.

During his CCRB interview, PO Yee reviewed his BWC from the beginning to 1:16 (Board Review 04). PO Yee stated that the female with braided hair smacked his face with her hair multiple times, so he guided her to a safe distance to prevent her from continuing to do so. PO Yee stated that he guided her by using his hands to create distance. During the interview, PO Yee stated that between 1:25 and 1:27 of PO Zubair's BWC showed the female placing her hand in his face and then he pushes her hand away. PO Yee stated that he guided the female away between 1:27 and 1:37. PO Yee stated that he moved the female back because she flicked her hair in his face. PO Yee then stated that he guided the female back between 1:37 and 2:09 because she flicked her hair at his face multiple times. PO Yee stated that he believes that the female intentionally flicked her hair at his face.

NYPD Patrol Guide Procedure 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or otherwise protect life, or when it is reasonable to place person in custody or prevent escape from custody (Board Review 17).

It is undisputed that the officers responded to the location to investigate shots being fired and officers were telling the civilians to move back as the civilians yelled at them. From the officers' BWC, the female did not comply with PO Yee's instructions; instead, she waved her hand inches away from PO Yee's face, repeatedly returning in front of PO Yee, and flicking her braids at PO Yee. Moreover, it is undisputed that PO Yee and the officers were currently outnumbered by the civilians and the civilians were uncooperative with instructions to move back. § 87(2)(g)

Allegation (H) Discourtesy: Police Officer Louis Brevetti spoke discourteously to individuals.

Although this was not alleged by § 87(2)(b) or § 87(2)(b) at 8:15 of PO Brevetti's BWC, an unidentified individual asks an officer why they needed so many officers (Board Review 07). At

8:22, the individual says, “Stop touching me.” PO Brevetti tells the individual, “You’re walking into us,” and then says, “If you’re standing over there I bet you no one fucking touches you.” Prior to PO Brevetti using profanity, PO Brevetti and officers were attempting to disperse a crowd of individuals yelling at officers in front of the location. Additionally, at 7:34 of PO Brevetti’s BWC, officers were arresting an individual identified as § 87(2)(b) who was in the crowd.

In his CCRB statement, PO Brevetti stated that when he made the aforementioned comment there were a lot of people standing in front of the officers while they were trying to leave the scene (Board Review 09). PO Brevetti subsequently walked away from the individual.

The mission and values of the NYPD states that officers are to “maintain a higher standard of integrity that is generally expected of others” and “value human life, respect the dignity of each individual, and render our services with courtesy and civility,” NYPD Patrol Guide Procedure 200-02 (Board Review 15).

Officers’ use of profanities during stressful street encounters do not constitute misconduct, but may not do so when it serves “no legitimate purpose but to belittle” a civilian, DAO DCT Case Number 2015-15012 (Board Review 16).

It is undisputed that some of the civilians were yelling at officers and refusing to leave the location. However, aside from standing there and speaking to an officer within a close distance, the unidentified individual was not captured on BWC doing anything else. § 87(2)(g)

Allegation (I) Abuse of Authority: Lieutenant Timothy Brovakos threatened § 87(2)(b) with the use of force.

Allegation (J) Abuse of Authority: Lieutenant Timothy Brovakos threatened § 87(2)(b) with the use of force.

At 00:42, Lt. Brovakos tells an unidentified individual, “You’re going to have to be tased.” As discussed in Allegation F, at 1:52 of Lt. Brovakos’ BWC, PO Yee pushes a female back while there is indistinct yelling in the background from the other civilians (Board Review 05). At 2:00, Lt. Brovakos turns towards his left and tells a shirtless male (identified via the investigation as § 87(2)(b)) “I don’t want to ‘dart’ you.” At 2:03, Lt. Brovakos then tells § 87(2)(b) that if he goes over the fence then he will “pop” him.

The investigation was unable to obtain § 87(2)(b) contact information to obtain a statement. Despite multiple contact attempts, the investigation was unable to reach § 87(2)(b) for a statement.

In his CCRB statement, Lt. Brovakos stated that the demeanor and tone of the crowd grew more dangerous, and he believed that the crowd would attempt to overtake the officers on scene. Members of the crowd were cursing, screaming, and telling officers to take off their badge which led him to believe that they wanted to fight officers. Lt. Brovakos stated that he called for additional units for crowd control regarding a large disorderly crowd. Lt. Brovakos stated that he recognized § 87(2)(b) at the location, and it appeared that he was ready to fight. Lt. Brovakos recognized § 87(2)(b) as a dangerous person who has been arrested for shooting and carrying guns. Lt. Brovakos stated that § 87(2)(b) “creeped” in a manner that appeared as if he was going to “flank” the officers. § 87(2)(b) was on the grass area behind a metal railing, and he walked past the officers as if he was going to jump over the metal railing and into the officers. At one point, § 87(2)(b) placed his hand on the metal fence and had his fists clenched. Lt. Brovakos stated that he

told § 87(2)(b) to get back and that he did not want to tase him. Lt. Brovakos wanted to deescalate the situation and prevent § 87(2)(b) from hurting others and himself. Lt. Brovakos told § 87(2)(b) three or four times that he did not want to tase him. Lt. Brovakos stated that it was a de-escalation tactic from training to get a verbal taser warning before using it. Lt. Brovakos stated that his de-escalation tactic was successful during this incident because § 87(2)(b) return to the crowd.

During the interview, Lt. Brovakos was shown a clip from his BWC between 00:42 and 1:12 and he stated that the individual who he threatened to tase was § 87(2)(b). Lt. Brovakos stated that this was a de-escalation tactic to have § 87(2)(b) back up. Lt. Brovakos stated that he did not recall what § 87(2)(b) was doing prior to threatening to tase him. Lt. Brovakos stated that between 1:06 and 2:30 captured § 87(2)(b) circumventing the officers in an attempt to “flank” them. Lt. Brovakos stated that he used the word “pop” in reference to tasering because it was the sound that the taser makes and it was a form of verbal judo to inform § 87(2)(b) of that sound. Lt. Brovakos stated that an officer was in danger of getting attacked by § 87(2)(b) from the back because § 87(2)(b) was trying to get over the fence. Lt. Brovakos stated that he believed § 87(2)(b) was intoxicated because he was sweating profusely, acting belligerent, and was not responding to normal requests to calm down.

NYPD Patrol Guide Procedure 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or otherwise protect life, or when it is reasonable to place person in custody or prevent escape from custody (Board Review 17).

NYPD Patrol Guide Procedure 221-08 states that officers may use conducted electrical weapons (CEW) against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or others (Board Review 18). Active aggression is the threat or overt act of an assault (physical or verbal), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

§ 87(2)(g)

It is undisputed that the civilians outnumbered the officers and did not want the officers there. It is also undisputed that § 87(2)(b) jumped over two metal fences and came around towards the area of the officers. Although it is unclear what § 87(2)(b) said, his actions in combination with the demeanor of the crowd, the investigation credited Lt. Brovakos’ account in that he believed § 87(2)(b) was ready to fight if he jumped over the gate which separated him from the officers. § 87(2)(g)

Allegation (K) Force: Lieutenant Timothy Brovakos used physical force against an individual.

Although this was not alleged by § 87(2)(b) or § 87(2)(b) at 7:08 of PO Massoni’s BWC, Lt. Brovakos pushes a female (Board Review 12). Starting at 6:59, a female officer pulls § 87(2)(b) away from the crowd in an attempt to restrain him. At 7:06, Lt. Brovakos grabs § 87(2)(b) right arm and pulls § 87(2)(b) towards him. At 7:07, an unidentified female places her body between Lt. Brovakos and § 87(2)(b). Lt. Brovakos subsequently pushes the female with one hand against her upper body at 7:08.

At 7:11 of PO Perez's BWC, the female appears to make physical contact with Lt. Brovakos' arm and torso area immediately before Lt. Brovakos pushes her (Board Review 13). In his CCRB statement, Lt. Brovakos stated that he recalled a female pushing her way through during the arrest of § 87(2)(b) and she might have made physical contact with § 87(2)(b) (Board Review 10). Lt. Brovakos did not know what he or other officers did in response to the female's actions. During his CCRB interview, Lt. Brovakos reviewed PO Perez's BWC from 7:04 to 7:13. Lt. Brovakos stated that the female next to him was the female who interfered with § 87(2)(b) arrest. Lt. Brovakos stated that it appears that the female made contact with him (Lt. Brovakos) and tried to push him away. Lt. Brovakos stated that he extended his arm to remove the female from him.

NYPD Patrol Guide Procedure 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or otherwise protect life, or when it is reasonable to place person in custody or prevent escape from custody (Board Review 17).

It is undisputed that officers were trying to pull § 87(2)(b) out of the crowd in order to restrain him and the female interfered by positioning herself between Lt. Brovakos and § 87(2)(b). It is also undisputed that the female made physical contact with Lt. Brovakos' arm or torso area as she interfered with § 87(2)(b) arrest. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (M) Force: Detective Hasan Elci hit § 87(2)(b) against a vehicle.

Although this was not alleged by § 87(2)(b) or § 87(2)(b) at 1:00 of PO Lai's BWC, Det. Elci and officers guide § 87(2)(b) towards a police vehicle and Det. Elci pushes § 87(2)(b) upper body against the hood (Board Review 08). PO Lai's BWC does not depict the interaction between § 87(2)(b) and the officers prior to or after Det. Elci pushes § 87(2)(b)

At 9:03 of PO Brevetti's BWC, an officer handcuffs § 87(2)(b) left hand (Board Review 07). At 9:10, officers begin to handcuff § 87(2)(b) other hand. PO Brevetti's BWC does not depict the interaction prior to Det. Elci pushing § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) did not provide any details of § 87(2)(b) arrest during their CCRB statements. Despite multiple contact attempts, the investigation was unable to reach § 87(2)(b) for a statement.

In his CCRB statement, Det. Elci stated that § 87(2)(b) tried to stop officers from arresting an individual by running towards the officers (Board Review 11). § 87(2)(b) was cursing and making verbal threats, but Det. Elci did not recall what he said. Members of the crowd tried to stop § 87(2)(b). Det. Elci stated that § 87(2)(b) was being disorderly and was going to be arrested for Obstruction of Governmental Administration (OGA). Det. Elci did not say anything to § 87(2)(b) and did not hear officers say anything to him. Det. Elci snuck behind § 87(2)(b) placed his arms through § 87(2)(b) armpits, and then locked his fingers on the back of § 87(2)(b) neck in order to control § 87(2)(b) hands. Det. Elci took this action to prevent officers, civilian, and himself from being harmed. Det. Elci and other officers subsequently placed § 87(2)(b) against the hood of a police vehicle so that he could control § 87(2)(b) better because he was going to release his hands in order to handcuff him. § 87(2)(b) front of the body contacted the vehicle. § 87(2)(b) was resisting by moving his arms away from Det. Elci and officers as they tried to handcuff him. Eventually, Det. Elci and officers were able to control his arms and handcuff him. § 87(2)(b) was against the vehicle for less than a minute. Det. Elci left soon after officers placed § 87(2)(b) in handcuffs.

§ 87(2)(g)

Allegation (N) Discourtesy: Detective Hasan Elci spoke discourteously to § 87(2)(b)

At 9:13 of PO Brevetti's BWC, Det. Elci tells § 87(2)(b) "Fucking animal" (Board Review 07). At 9:27, Det. Elci says, "Fuck you and your lawyer." Det. Elci and officers were handcuffing § 87(2)(b) between 8:58 and 9:24.

In his CCRB statement, Det. Elci stated that he did not recall using any profanities during the incident (Board Review 11). During his CCRB interview, when shown PO Brevetti's BWC from 8:50 to 9:29, Det. Elci stated that he did not know who made the above statements and stated it was not him. However, Det. Elci identified himself as the male in a suit in front of PO Brevetti's BWC between 8:50 and 9:06.

The mission and values of the NYPD states that officers are to "maintain a higher standard of integrity that is generally expected of others" and "value human life, respect the dignity of each individual, and render our services with courtesy and civility," NYPD Patrol Guide Procedure 200-02 (Board Review 15).

Officers' use of profanities during stressful street encounters do not constitute misconduct, but may not do so when it serves "no legitimate purpose but to belittle" a civilian, DAO DCT Case Number 2015-15012 (Board Review 16).

Although Det. Elci denied using the profanities captured in PO Brevetti's BWC, the BWC captured Det. Elci's mouth moving as he says, "fucking animal" and his voice matched the voice of the individual who used the profanities. § 87(2)(g)

Although Det. Elci was handcuffing § 87(2)(b) when he used profanities, Det. Elci was not in a stressful encounter given that they had walked away from the crowd, and it did not appear that § 87(2)(b) was fighting with Det. Elci or officers. § 87(2)(g)

Allegation (O) Untruthful Statement: Detective Hasan Elci provided a false official statement to the CCRB.

During his CCRB interview, Det. Elci was shown clips of PO Brevetti's BWC (Board Review 07 and 11). Det. Elci stated that he believed he was the officer in a suit leaning towards the vehicle between 8:50 and 9:06. Det. Elci then reviewed the footage between 9:00 and 9:13 and he initially said he did not hear someone say, "Am I soft enough for you?" During the interview, the footage was played back from 9:10-9:12, and Det. Elci stated that he was not sure what was being said at this point and was not sure if that was his voice. The footage resumed at 9:12 and paused at 9:15. Det. Elci stated he was not sure if he heard someone say, "Fucking animal." The video was played back from resumed at 9:10 and paused at 9:15. Det. Elci stated that he heard someone say, "Fucking animal," but was not sure who said it and stated that he did not say this. Det. Elci then watched the footage between 9:15 and 9:19 and said he did not hear someone say, "Watch my back." The footage was then played from 9:13-9:18 and Det. Elci acknowledged hearing someone say, "Watch my back." Det. Elci stated that he did not know who said this and stated that it was not him. The footage was then played from 9:18- 9:29 and Det. Elci did not hear someone say, "Fuck you and your lawyer." The footage was then played from 9:19-9:28, and Det. Elci acknowledged

hearing someone say, “Fuck you and your lawyer,” but stated that he did not know who said this and it was not him.

A false official statement is an intentional statement that a member of the service knows to be untrue, which is material to the outcome of the investigation, proceeding, or other matter in connection with which the statement is made, Administrative Guide Procedure 304-10 (Board Review 19).

PO Brevetti’s BWC captures Det. Elci’s mouth moving as he says, “fucking animal” and the voice from the BWC matches Det. Elci’s voice. Although the investigation identified Det. Elci as the subject officer based on the BWC, despite reviewing clips of PO Brevetti’s BWC, Det. Elci denied calling § 87(2)(b) a “fucking animal” and saying, “Fuck you and your lawyer.” § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
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- PO Yee has been a member of service for nine and has been a subject in three CCRB complaints and seven allegations, of which none were substantiated. § 87(2)(g)
- PO Brevetti has been a member of service for three years and this is the first CCRB complaint to which he has been a subject.
- Lt. Brovakos has been a member of service for 15 years and has been a subject in 34 cases and 111 allegations, of which five were substantiated.
 - 201500206 involved a substantiated allegation of a vehicle search against Lt. Brovakos. The NYPD imposed formalized training.
 - 201905132 involved a substantiated allegation of discourtesy. The NYPD imposed instructions.
 - 201910398 involved substantiated allegations of failure to provide RTKA card and vehicle stop. The NYPD has not yet imposed discipline.
- Det. Elci has been a member of service for 25 years and has been a subject in three cases and 4 allegations, of which none were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was unsuitable for mediation.
- As of June 25, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 21).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[REDACTED]

Reviewer: _____

_____ Signature	_____ Print Title & Name	_____ Date
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